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# Department of Laws Rev & E

OFFICE Bd of Rev

STATION: Madras

19 SEP 1940

Mis No. 2479

Dated 12 - 4 - 40

Encs:
A 297;

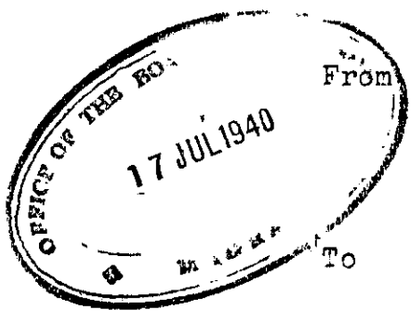
Pages in the file

(SUBJECT.)

Rev. Recovery (S. Kanara
Coondapur Taluk) - Nujadi Vee
S.No 23-4-5a6 Mr. arrears on
[redacted] Co.

Ref.No. 39-40-A5. South Kanara Collector's Office,

Camp:- Kasaragod, 14th July 1940.




RP 07 and A2979

From

M. V. Subrahmanyan, Esq., M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Irrigation,

Madras.

Sir,

Revenue Recovery - Land revenue - Arrears - Fasli 1348 - (South Kanara) - Coondapoor Taluk - Nujadi village - S.No. 23/4 Sale - Cancellation - Report submitted.

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S. No. 23/4 of Nujadi village, Coondapoor Taluk, was sold on 13-7-1939 for arrears of land revenue to one Kuppaya Shetty - for Rs. 20/-. The sale was confirmed by the Revenue Divisional Officer, Coondapoor in his proceedings L.Dis. 5654-B-39, dated -- 8-9-1939. The registered holder Narayana Puranika has put in an objection petition dated 26-12-1939 requesting that the sale may be set aside.

2. The main grounds urged by the petitioner are:-

(i) That the notices required to be issued to him were not properly issued.

(ii) That the sale was fraudulent and collusive.

(iii) That the purchaser Kuppaya Shetty is the husband of one Sooramma Shedthi, who holds a Civil Court decree against --- Billa Subba, the mulgenidar of the property sold, and who has -- been trying to get possession of the lands; and

(iv) That the bid fetched is too low.

3. It is seen from the records that notices Nos. 4, 5 and 7 were all properly and personally served on the petitioner. Hence the first objection is groundless.

4. As regards the second objection, the petitioner's contention is that the sale list is a bogus one, as the Revenue ------ Inspector who conducted the sale had once before taken up the -- sale of the plot and dropped the proceedings though the bid had gone upto --

Rs. 135/-, on being informed by the potail that the arrears had been received by him the previous day. Though the enquiry held in this matter does not conclusively prove that the Revenue Inspector substituted for the sale list another false list, it is found that there are circumstances which throw grave doubt on the genuineness of the sale. People who were not present at the sale were made to sign the sale list at the instance of the above purchaser. The statements of the persons who are said to have taken part in the sale, indicate that things were not altogether above board. The fact that the plot fetched only Rs. 20/-, though its estimated value is about Rs. 150/- as stated below, goes to confirm the suspicions.

5. The third objection deals with the motive for the collusion in the sale. This is not disputed by the purchaser and has to be admitted.

6. As regards the objection that the bid was low, the Tahsildar has after ~~personal~~ local inspection and enquiry estimated the value of the land, which is classed as wet and is 92 cents in extent at Rs. 150/-. I accept this valuation and consider that the bid fetched is too low considering that the village is not a very interior one.

7. Apart from the above facts, the sale notice in this case was affixed to the notice boards of the Collector's Office and the nearest Police Station only on 13-6-1939 when the sale was held on 13-7-1939. Section 36 (second) requires the notice to be published at the places mentioned above at least a month before the date of sale. It ought to have been published on or before 12-6-1939 and the failure to do so is an illegality, which would vitiate the sale proceedings according to the instructions contained in item 9 in Appexdix A to B.P. 62, Press, dated 26-5-1936.

8. I issued a notice to the purchaser to show cause why the sale should not be set aside as the bid fetched was low owing to the collusive nature of the sale and as the sale notice was not published in the Collector's Office and in the nearest

Police Station one month before the date of sale. He appeared before me through a pleader and stated that he was not a party to any fraud or collusion and that there was due publication of the sale in the village and that if the sale was to be set-aside he might be paid back the purchase money and the solatium and expenses, if any, incurred by him. He has not adduced any evidence to show that there was no collusion and that the bid was not low. He is, of course, entitled to the refund of the purchase money paid by him, but not to any solatium or other expenses.

9. In the result, I consider that the sale is liable to be set aside as the bid is too low on account of the collusive nature of the sale and the defective publication of the sale notice. The sale was confirmed by the Revenue Divisional Officer more than three months back and I, therefore, request the Board's orders to set aside the sale, under B.S.O. 41(12). Disciplinary action against the subordinates responsible for th collusive sale will be taken after the sale is set aside.

10. The records of enquiry (C.No. 39-40-A5 of this office), D.Dis. 6424-39 of the Tahsildar, Coondapoor and L.Dis. 5654-B-39 of the Revenue Divisional Office, Coondapoor are herewith enclosed for reference and return.

For Collector.

15.7.40

G.F. 15.

**DRAFT FOR APPROVAL.** F 2 W S

| | Date. | Initials. |
|---|---|---|
| When received for fair copying .. | 12/9 | MA |
| When copied .. | 16/9 | [illegible] |
| When examined .. | | |
| When signed .. | | 11/9/40 |
| When despatched. | | |

SUBJECT :— Revenue Recovery (S. Kamara) Coondapur Taluk. Nujadi village S No 23-4 — Sale for arrears of revenue — cancellation. Collr authorised

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

No. A 2979 From the Collr of S. Kanara, No. 39-40/A dated 14.7.40 19 40

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

~~Order~~ / Resolution ~~Ms. Rgnl.~~ No. 2479, dated 12 9. 19 40

S Sgwla 11/9/40

p 26 of (E)

p 35 of (E)

The Collector is authorised to cancel the Sale of S. No 23-4 of Nujadi Village, Coondapur Taluk held on 13.7.39 and confirmed by the Revenue Divisional Officer, Coondapur in his L. Dis No 6 5 4-39 of 8.9.39

Encl 2 with reference & the concluding portion of 10 to 40 page 9 of his letter dated above, the Collector's attention is invited

To

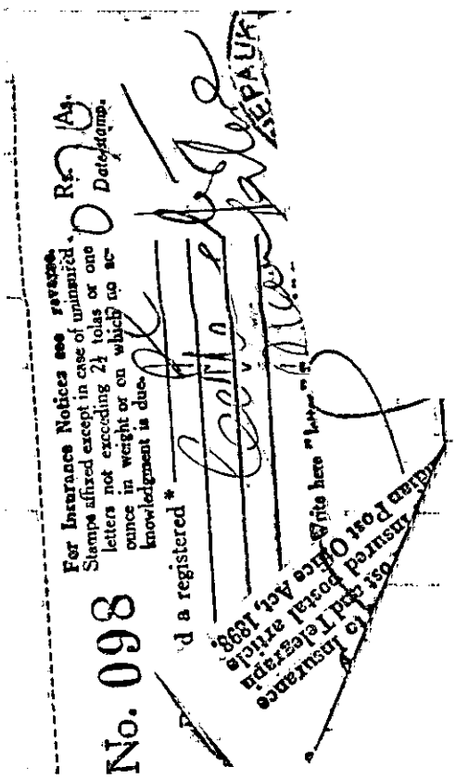
The Collr of Kanara

with Records ret'd (E 35)

7/9/40

Cmbs Rl

the provisions of
Section 37 A of Act II of 1864 page 258 Rule 24


No. 098
For Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.
Rs. As.
Date Stamp.
SEPAUR
Inland Telegraphs Insurance
Post Office Act, 1898.

Note File

M2
AS(R)

Revenue Recovery (S. Kanara)
Coondapur Taluk * Nyjadi
Vge. S.No 23.4 - Sale for arrears
of land revenue. Cancellation.

p1-3 of { A 2979.40 from the Collector of
South Kanara Ref. No 39-40-AS*/4.7.40

To A.S.(L.R)

For the realisation of an
arrear of Rs 4.11.0 for Fasli 1348
S.No 23.4 of Nyjadi Village was
sold in auction on 13.7.39 & was
knocked down by one Kuppayya
Shetty for Rs 20/-. The sale
was confirmed by the Rev. Divl
Officer, Coondapur in his
L.Dis 5654-39 dated 8.9.39

Vide notice p13 of (E)

p1-3 of (E)

p35 of (E)

2. The registered holder
has petitioned to the Collector
requesting the cancellation
of the sale on the following grounds

p1-4 of (D)

(i) that the notices were not properly issued
(ii) that the sale was fraudulent
and collusive
(iii) that the auction purchaser

is the husband of the one Sooramma, who holds a civil court decree against the mulgenidar of the property sold and who has been trying to get possession of the lands (iv) that the bid fetches is too low

~~In answer to the~~

~~above~~ The Collector states that the first objection is groundless as the notices were properly served but as regards the other allegations he states that the sale of lands valued at Rs 150/- for Rs 20/- lends room for suspicion, that there was collusion and that the sale price is too low. — para 3 to 6 p 1-2 para 3, p 1-b para 4, p 1-2 of para 5, p 2 of para 6, p 2 of

In addition to the above defects the collector reports that No 7 notice was published in the Police station and the Collectors on 13.6.39 when the sale was held on 13.7.39. There was not clear one month as required by Section 36. Second of the Act. This is an illegality. — p 15 16 of (E) — p 29 Para 4

3 The Collector issued a notice to the auction purchaser — p 57-58 (D)

to show cause why the Sale should not be set aside ~~for~~ on account of the defects noted above. The auction purchaser para 8, p3 of has urged that he was not a party to any fraud or collusion but has no objection to the cancellation of the sale ~~and that of the~~ purchase money ~~may~~ be paid back to him with solatium and expenses, if any incurred by him. ~~The~~ He is entitled to the purchase money and the 5 p.c. deposit under § 27A

p298 ist 24

The Collector ~~is~~ recommends that the Sale may be set aside. ~~was~~ In view of the defects pointed ~~out~~ out above, the Collector may be authorised to cancel the Sale

B

241 17-
179 65

As the Collector is para 9, p3 of taking disciplinary action against the persons responsible no further action is necessary

For orders

~~Sec~~ By B may be placed

Sec para 1 ante

Sp 9/9
40 Sq/60

Sp. 90

9/9

To A. S. (L. R)

Draft Submitted

A S (L. R)

EKB

to 9 KL 10940

CO

CO II / C

Sugh member

24797
1294

~~Full Board.~~

| I.A. | A.D.S. & L.R. | Asst. Secretary L.R. Sett. | Sep. Rev. | Jt. Secy. | M 4 | M 3 | M 2 | M 1 |
|---|---|---|---|---|---|---|---|---|

1. Open file seen by ✓
2. Final draft seen by ✓
3. Now circulated to ✓
4. Initials.

KG 2694.

Passed for record.

~~Secretary~~
Jt. Secretary

~~A.S. (C.W.)~~

A.S. (L.R.). 3/4 C/827 P

~~A.S. (Sett.)~~

A.S. (Excise) Eb 25/9

A.D.S. & L.R.

I.A.

Note - Entries not required to be scored out.